

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-449

May 2, 2003

Appeal of Consumer Assistance Division
Decision #2002-11795 Regarding Verizon-
Maine

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we decline to investigate further a complaint of Mr. Andrews Campbell related to his service from Verizon-Maine (Verizon) and a yellow pages listing with Verizon Yellow Pages Company.

II. BACKGROUND

On January 15, 2002, Mr. Campbell complained to the CAD about Verizon's actions in September 2001 when he moved his business in Thomaston to his home in Waldoboro. As part of the change, Verizon changed his residential account to a business account. Mr. Campbell complained that Verizon failed to inform him that he would lose his Pine Tree Calling Plan, which is only available to residential customers. He did subscribe to the Business Link Calling Plan, but he complained that his bills were \$600 higher with this plan and that Verizon had failed to disclose the effect of changing plans. In January 2002, he changed his service back to residential. This resulted in Verizon Yellow Pages Company billing him \$1,092.50 for advertising. Mr. Campbell complained that Verizon failed to describe this as a possible consequence of changing to residential service. Mr. Campbell sought Pine Tree rates for the period of his business account and the return of monthly billing for Yellow Pages.

The CAD issued its decision on July 23, 2002. It stated that the Commission does not have jurisdiction over Yellow Pages. The CAD further found Mr. Campbell had chosen the Business Link Calling Plan. Since Verizon had charged him pursuant to the Plan, no refund was appropriate.

By fax sent to the Commission on July 30, 2002, Mr. Campbell appealed the decision. He states that his "main gripe" is that he never got a Yellow Page ad and so he does not feel he should have to pay for it. With regard to the loss of the Pine Tree Calling Plan, he believes he was misled, however, he will pay the amount owed. In a subsequent letter received by the Commission on August 5, he once again states that he did not receive the ad so he should not have to pay for it, that he was misled into changing from residential to business, resulting in a loss of Pine Tree Calling, and that the facts in the decision letter "are not as stated" and so the decision is "arbitrary and capricious." He provides no other information as to what facts he disputes.

III. DECISION

From the information provided by Mr. Campbell, his complaint appears to be about Verizon Yellow Pages billing him annually rather than monthly after he terminated his business service. The CAD incorrectly states that the Commission has no jurisdiction over Yellow Pages. The Commission addressed its jurisdiction over Yellow Pages some years ago and determined it did have jurisdiction. *See Maine Public Utilities Commission, Ceramic Tile Center and Shaeffer Construction Co. v. New England Telephone*, Docket No. 80-41 Orders (Dec. 2, 1985; Dec. 28, 1983). This determination has not been revisited and so it still stands. However, our jurisdiction is limited and we have generally allowed the terms of the Yellow Pages offering to be governed by the contract executed between Yellow Pages and the customer.

As indicated in the CAD decision, Mr. Campbell signed a contract with Verizon Yellow Pages on February 14, 2000. He should review that contract to determine whether Verizon Yellow Pages has complied with its terms, both as to running his advertisements and billing him for services, and he should contact Yellow Pages to work out a return to monthly billing. We note that Mr. Campbell has ads in current editions of the Bath and Belfast Yellow Pages so he may have already resolved this matter of returning to monthly billing.

Based on the above discussion, we decline to investigate this matter further. If Mr. Campbell has been unable to resolve the issue of monthly billing, he should contact the Consumer Assistance Division.

Dated at Augusta, Maine, this 2nd day of May, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.